

## Message Text

UNCLASSIFIED

PAGE 01 HAMBUR 00792 281509Z  
ACTION SCSE-00

INFO OCT-01 EUR-12 ISO-00 L-03 DHA-02 SCA-01 /019 W  
-----112257 281512Z /53

P R 271424Z JUN 77  
FM AMCONSUL HAMBURG  
TO SECSTATE WASHDC PRIORITY 4272  
INFO AMEMBASSY BONN

UNCLAS HAMBURG 792

PASS SCS

E.O. 11652: N/A  
TAGS: CARR, GW  
SUBJECT: LEGAL REPRESENTATION AVAILABLE TO AMERICANS  
ARRESTED ABROAD

REF: STATE 147704

FOLLOWING INFORMATION OBTAINED FROM AUTHORITATIVE LOCAL LEGAL  
SOURCES IN RESPONSE TO DEPARTMENT'S QUESTIONS:

A. YES, LEGAL COUNSEL OF "PUBLIC DEFENDER" TYPE IS PROVIDED  
GRATIS TO PRISONERS INCLUDING U.S. NATIONALS UNABLE TO PAY FOR  
PRIVATE COUNSEL;

B. SUCH LEGAL COUNSEL IS AVAILABLE ON THE FOLLOWING BASES:

1. AVAILABLE IMMEDIATELY IN ALL CRIMINAL CASES WHERE A  
SENTENCE OF MORE THAN FIVE YEARS IS POSSIBLE, AND IN ALL  
CRIMES AGAINST STATE SECURITY;
2. AVAILABLE REGULARLY AFTER THREE MONTHS IMPRISONMENT;
3. ALSO AVAILABLE IMMEDIATELY UNDER PROVISIONS OF SO-CALLED  
"RUBBER CLAUSE" WHICH PROVIDES THAT COURT MAY APPOINT  
A PUBLIC DEFENDER IF IT SEEMS NECESSARY IN CASES WHERE A  
SERIOUS CRIME COMMITTED.

C. THE QUALITY OF PUBLIC-FUNDED LEGAL ASSISTANCE IS SUPPOSED  
TO BE THE SAME AS THAT OF PRIVATELY-PAID LAWYERS. PROBABLY  
THIS THEORY WORKS OUT FAIRLY WELL IN PRACTICE, BUT PRIVATELY-  
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 HAMBUR 00792 281509Z

PAID LAWYERS OCCASIONALLY MAY PERFORM SOMEWHAT BETTER THAN  
COURT-APPOINTED LAWYERS. DEVINE

UNCLASSIFIED

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 27-Jun-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01-Jan-1960 12:00:00 am  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977HAMBUR00792  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D770230-0792  
**Format:** TEL  
**From:** HAMBURG  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1977/newtext/t19770617/aaaaaorp.tel  
**Line Count:** 57  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 90cb7e76-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION SCSE  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 STATE 147704  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 09-Nov-2004 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 2028999  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** LEGAL REPRESENTATION AVAILABLE TO AMERICANS ARRESTED ABROAD  
**TAGS:** CARR, GE  
**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odbs://SAS/SAS.dbo.SAS\_Docs/90cb7e76-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009